IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 7TH AUGUST 2006 / 16TH SRAVANA 1928

Bail Appl..No. 4811 of 2006

CRIME NO.86/2006 OF PEROORKADA POLICE STATION

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PETITIONER/4TH ACCUSED:

RAJESH KUMAR, S/O.RAVEENDRAN NAIR,
10/765, MAVUKONATHU VADAKKE VEEDU, MANNANTHALA P.O
THIRUVANANTHAPURAM.

BY ADV. SRI.BIJU BALAKRISHNAN

RESPONDENTS:

THE CIRCLE INSPECTOR OF POLICE,
PEROORKADA, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4811/2006

DATED THIS THE 7TH DAY OF AUGUST, 2006

O R D E R

The petitioner is the fourth accused, in crime No.86/2006 of Peroorkada Police Station. It is alleged that the petitioner and fifth accused gave information to accused 1 and 2, regarding the closing of the M.M.Finance, an institution run by the defacto complainant. He was carrying with him an amount of Rs. 1,41,000/- and 314 grams of gold ornaments, collected as part of the business of the defacto complainant. Because of the information, received from accused 4 and 5, the accused 1 and 2 intercepted the defacto complainant, attacked him and committed robbery of all the articles. Thereafter, accused 1 and 2 went to the fourth accused and they shared their booty. The accused also shared with the third accused, a person in Tamil Nadu. A portion of the stolen articles were recovered. However, the other portions are yet to be recovered.

2. The petitioner, being the fourth accused in the case, and considering the seriousness of the offence alleged, under Sections 394, 411 and 216A IPC read with Section 34 IPC., granting of an order under Section 438 Cr.P.C., would be against the interest of the Prosecution case and therefore, the prayer for an order under Section 438 Cr.P.C., is rejected.

The application is dismissed as above.

J.M.JAMES
JUDGE

mrcs